IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 552 (S/ S) of 2006

1. Laxmi Narayan Maurya S/o Sri J.P. Maurya,
   Presently posted as Excise Inspector, Pauri.
2. Anand Prakash S/o Sri R.D. Chaudhary,
   Presently posted as Excise Inspector, Chamoli,
3. Mohd. Sabir S/o Sri Mohd. Sherif,
   Presently posted as Excise Inspector,
   Dehradun (Enforcement),
4. Nagendra Dev S/o Sri Gaya Lal,
   Presently posted as Excise Inspector at Haldwani,
   Bonded Ware House, Nainital,
   District Nainital. **……Petitioner**

V e r s u s

1. Union of India through its Secretary, Personnel, Public Grievance and Pension, Government of India, New Delhi.
2. The State of Uttaranchal through Secretary, Excise Uttaranchal Shashan, Dehradun.
3. The State of Uttar Pradesh, through Secretary, Excise, U.P., Lucknow.
4. Commissioner, Excise, Uttar Pradesh, Allahabad.
5. Commissioner, Excise, Uttaranchal, Dehradun.
6. The State Advisory Committee, Government of Uttaranchal, Dehradun. **……Respondents**

Sri Subhash Upadhyay, ld. Counsel for the petitioners.

Smt. Anjali Bhargava, ld. Standing Counsel for Union of India.

Smt. Beena Pandey, ld. Standing Counsel for State of U.P.,

Learned Standing counsel for State of Uttaranchal.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Subhash Upadhyay, learned counsel for the petitioners, Smt. Anjali, learned Standing Counsel for Union

of India on behalf of respondent no.1, Smt. Beena Pande, learned Standing Counsel for State of Uttaranchal, on behalf of respondents no.3 and 4 and learned standing counsel for State of Uttaranchal on behalf of respondents no. 2, 5 and 6.

Learned counsel for both the parties are ready to dispose of the writ petition at its admission stage itself.

By means of this writ petition, the petitioners, who are working as Excise Inspectors in the State of Uttaranchal, have prayed to issue a writ in the nature of Mandamus commanding the respondents Authority in the State of Uttaranchal to relieve the petitioners for State of U.P. in pursuance to order dated 11.12.2001 passed by Additional Commissioner, Reorganization, Uttaranchal. By the aforesaid order 29 persons of the department, who had opted for State of U.P., were to be relieved for State of U.P. The names of the petitioners find place at serial nos. 08,09,11, & 14 in the aforesaid list. On 23.01.2003, a tentative final allocation list was published for State of Uttaranchal and the petitioners' names did not find place in that list. Meaning thereby, petitioners have been finally allocated to State of U.P. On 04.02.2006, Additional Commissioner, Excise, Uttaranchal has submitted a list of employees of department to be relieved for State of U.P. In this list the names of the petitioners find place at serial number 03,05,09 & 10.

The submission of learned counsel for the petitioners is that petitioners had opted for State of U.P. and have been included in the Tentative Final Allocation List for State of U.P. A person who is placed at serial no. 10, Sri

Dharamendra Narayan has been relieved for State of U.P., however, the petitioners who are at serial nos. 08,09,11 & 14 in the list have yet not been relieved. The State of Uttaranchal has adopted pick and choose policy to relieve the employees of the Department for State of U.P.

Learned counsel for the petitioners has further submitted that in the State of U.P. a final seniority list of the employees working as Excise Inspector has been prepared on 10.02.2005 in which the names of the petitioners find place at serial no. 195,201,207,235.

In view of the above facts and circumstances, I think it just and proper to direct the respondents authority State of Uttaranchal to relieve the petitioners for State of U.P. at the earliest as far as possible within a period of one month from the date of production of certified copy of this order.

With this direction the writ petition is finally disposed of. No order as to costs.

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(M.M. Ghildiyal, J)

April 25, 2006
NCM: